



July 15, 2021

VIA ECF

The Honorable J. Paul Oetken
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Francesca Morales*,

Dear Judge Oetken:

On September 3, 2020, the Second Circuit Court of Appeals vacated Francesca Morales's conviction for being a felon-in-possession of a weapon, and remanded her case to this Court for resentencing on her remaining convictions. A sentencing memo is currently scheduled to be filed by the defense by July 16, 2021. I write on behalf of Ms. Morales to request a 90-day adjournment of Ms. Morales's deadline to submit her sentencing memo.

The Senate Judiciary Committee recently voted to advance a bipartisan bill, the Prohibiting Punishment of Acquitted Conduct Act of 2021, which, if passed, would prevent defendants from being sentenced for conduct for which they have been acquitted. *See* Office of Chuck Grassley, June 10, 2021, *Senate Judiciary Committee Advances Two Bipartisan Durbin, Grassley Criminal Justice Bills* [Press Release], available at <https://www.grassley.senate.gov/news/news-releases/senate-judiciary-committee-advances-two-bipartisan-durbin-grassley-criminal-justice-bills>. If passed, this legislation could materially impact Ms. Morales's Guidelines range. Ms. Morales was convicted after trial of a narcotics conspiracy, but the jury specifically found that she was responsible for "[a]t least 100 grams of heroin but less than 1 kilogram" and acquitted her of responsibility for "1 kilogram or more of heroin." *See* Ex. A, Verdict Form. Nonetheless, Ms. Morales was sentenced based on 30 kilograms of heroin under a preponderance standard, which raised her Guidelines range by at least 8 levels. Since the pending legislation has the potential to materially change Ms. Morales's Guidelines range, we would respectfully request an adjournment of 90 days to file Ms. Morales's sentencing submission, with the hopes that there will be more clarity on if and when the legislation might pass.

Ms. Morales consents to this adjournment. I have conferred with the Government and the Government does not oppose a 90-day adjournment.

Thank you for your consideration.

Sincerely,

/s/ Kristen M. Santillo
Kristen M. Santillo

Granted.
Defendant's sentencing submission shall be filed by October 18, 2021.
So ordered.
July 19, 2021



J. PAUL OETKEN
United States District Judge